

Title: Faculty eligibility - Maintaining the employer contribution during the off-quarter/semester and when there is a decrease in workload

Contact:	PEBB Rules Manager	Effective:	
		Issued:	
Reference:		Supersedes:	
Forms Used:		Approved by:	

Purpose:

To clarify when a faculty qualifies for the employer contribution toward insurance coverage during an off-quarter/semester and when there is a decrease in workload.

Policy:

1. **Maintaining the employer contribution through the summer or off-quarter/semester.**

WAC 182-12-131(3)(c): All benefits-eligible faculty (eligible under WAC 182-12-114(3)) who work an average of half-time or more throughout the entire instructional year or equivalent nine-month period and work each quarter/semester of the instructional year or equivalent nine-month period are eligible for the employer contribution toward summer or off-quarter/semester insurance coverage.

Exception: Eligibility for the employer contribution toward summer or off-quarter/semester insurance coverage ends on the end date specified in an employing agency's termination notice or an employee's resignation letter, whichever is earlier, if the employing agency has no anticipation that the employee will be returning as faculty at any institution of higher education where the employee has employment.

- a. In the exception in WAC 182-12-131(3)(c) above, "*anticipation that the employee will be returning*" means that the work is anticipated to recur the quarter or semester after the summer or off-quarter/semester, and, given typical circumstances (e.g., work, funding) and the employee's performance, this employee would be considered for a similar position at the institution. Higher-education institutions must provide the employer contribution for the employee's insurance coverage through the summer or off-quarter/semester based on this interpretation.
- b. If the employee notifies his or her employer of faculty work at other higher-education institution(s) (based on the criteria in the notice policy #4), then the employer must consider whether the employee is anticipated to return at the other institution(s) in determining eligibility for the summer or off-quarter/semester coverage.
- c. When the employee resigns, then the employer must provide the employer contribution through the summer or off-quarter/semester if it anticipates that this employee will return to a faculty position at the same institution after the summer or off-quarter. If the employer does not anticipate that a resigning employee will return after the summer or off-quarter/semester, then eligibility ends on the date of the resignation letter or the date the employee stops working, whichever is later.

2. **Decrease in workload.** The statements below apply only to temporary decreases in faculty workloads.
- They do not apply to *terminations* of the employment relationship, by either the employee or employer. See WAC 182-12-131(7) for rules regarding this circumstance.
 - They do not apply to renegotiations of the employment terms and conditions (i.e., moves to a new position). See WAC 182-12-131(7) for rules regarding this circumstance.
 - They do not apply to decreases in workloads due to a layoff. See WAC 182-12-129 and Policy #2 for eligibility criteria following a layoff.
- a. When a benefits-eligible faculty initiates a decrease in workload:
- Faculty who are not anticipated to work for the entire instructional year: If the drop in workload is such that the faculty cannot maintain eligibility for the employer contribution under WAC 182-12-131, the institution must end the employer contribution the first of the month following the drop in workload.
 - Faculty anticipated to work for the entire instructional year: Unless specified elsewhere, a faculty who has established eligibility for benefits is eligible for the employer contribution each month in which he or she is in pay status for 5% of full time.
- b. When an institution initiates a decrease in workload of a benefits-eligible faculty:
- Faculty who is not anticipated to work for the entire instructional year: A faculty who has established eligibility for benefits is eligible for the employer contribution each month in which he or she is in pay status for 5% of full time until the end of the quarter or semester in which the faculty was originally expected to work. Note: Faculty with anticipated end dates are not eligible for the layoff rights outlined in WAC 182-12-129 and policy #2.
 - Faculty anticipated to work for the entire instructional year: A faculty who has established eligibility for benefits is eligible for the employer contribution each month in which he or she is in pay status for 5% of full time. Note: Faculty with anticipated end dates are not eligible for the layoff rights outlined in WAC 182-12-129 and policy #2.